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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ESTRADA, ANGEL R

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 08 27 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/904,747

Applicant(s)

WIDMAN, JAY E.

Examiner

Angel R. Estrada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/13/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "polyurethane-based epoxy sealant compound disposed within said inner chamber" (claims 9 and 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson (US 3,555,171).

Regarding claim 1, Larson discloses an apparatus (see figure 1) for sealing a conduit (X) comprising: a housing (B) having an inner chamber and an outer surface (see figure 1 and 2); at least one free running hub (G) disposed on, and mounted to, said housing (B) adapted to said at least one free running hub (G); and a flexible

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membrane (H) disposed within the inner chamber of said housing (see figure 1) adjacent to said at least one free running hub (G).

Regarding claim 5, Larson discloses the apparatus (see figure 1) for sealing a conduit (X), wherein the housing (B) is defined by a mid-section, which is substantially cylindrically shaped (see figure 1), and two free running hub (G) is disposed on, and mounted to, opposite end of the mid-section (see figure 1).

Regarding claim 12, Larson discloses the apparatus (see figure 1) for sealing a conduit (X) wherein the flexible membrane (H) is a generally disk shaped flexible membrane (see figure 4) formed of neoprene (column 3 line 10-16).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (US 3,555,171) in view of Cameron (US 5,560,655).

Regarding claim 2, Larson discloses the claim invention except for the conduit comprising means for purging any air, other gases or moisture, which may be trapped within the inner chamber of said housing. Cameron teaches a housing for electrical conduits (18, 20) that includes means (11) capable of purging any air, gases or moisture

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which may be trapped within the inner chamber of said housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Larson's housing with a mean that can purge any air or moisture trapped within the inner chamber of said housing as taught by Cameron to improve the sealing of the conduit and also to provide means that permits insertion of insulated materials inside the conduit.

Regarding claim 3, Cameron teaches the purging means (11) comprises a threaded port (40) formed in the housing (12) and a threaded plug (11), which is adapted to mate with said threaded port (see figure 1 and 3).

Regarding claim 4, Cameron teaches the purging means (11) being a spring-loaded ball-type valve (see figure 4).

4. Claims 6-8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (US 3,555,171) in view of Hutchison (US 4,301,325).

Regarding claim 6, Larson discloses the claimed invention except for the free running hub having an inside surface, which has a first set female threads (see figure 2) formed thereon for mating with the ends of the conduit. Hutchison teaches an apparatus (see figure 1) for sealing a conduit (2), comprising a free hub (4) having an inside surface which has a first set female threads (see figure 1) formed thereon for mating with the ends of the conduit (2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Larson's conduit with a first

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set female threads as taught by Hutchison to provide means to attach a conduit with threads on its ends.

Regarding claim 7, Larson discloses the apparatus (see figure 1) for sealing a conduit (X) wherein the free running hubs (G) has a second set female threads (16) formed thereon for mating with the ends of the cylindrically-shaped mid-section (B) and a shoulder adjacent to the second set of female threads (see figure 2).

Regarding claim 8, Larson discloses the apparatus (see figure 1) for sealing a conduit (X) wherein flexible membrane (H) disposed on the inside surface of each of the free running hubs (G) adjacent to the shoulder (see figure 5).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (US 3,555,171).

Regarding claim 11, Larson discloses the claimed invention except for the housing formed of an aluminum alloy. It would have been obvious to one having ordinary skill in the art at the time the invention was made to formed the housing of an aluminum alloy, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

6. Claims 9, 10 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (US 3,555,171) in view of Klein (US 4,456,784).

Regarding claim 9, Larson discloses the claimed invention except for said apparatus comprising a polyurethane-based epoxy sealant compound disposed within said inner chamber. Klein discloses an apparatus (19) for sealing a conduit (3), said apparatus comprising a housing having an inner chamber (see figure 3) filled with polyurethane-based epoxy sealant compound (6). It would have been obvious to of ordinary skill in the art at the time the invention was made to fill Larson's body inner chamber with a polyurethane-based epoxy sealant compound as taught by Klein to improve the sealing of the conduit by providing a barrier against the flow of vapor between conduits through connector.

Regarding claim 10, Klein teaches that said polyurethane-based epoxy sealant compound (6) comprises a polymer and a monomer (column 3 line 9-38).

Regarding claim 13, Larson discloses a method (see figure 1) of sealing a conduit (X) using the apparatus of claim 1, comprising the steps of coupling said apparatus to at least one end of the conduit (see figure 1); threading any wires or cables (12) contained within said conduit (X) through said flexible membrane (H); but lacks the step of filling the inner chamber with a polyurethane-based epoxy sealant compound. Klein discloses an apparatus (19) for sealing a conduit (3), said apparatus comprising a housing having an inner chamber (see figure 3) filled with polyurethane-based epoxy sealant compound (6). It would have been obvious to of ordinary skill in the art at the time the invention made to fill Larson's body inner chamber with a polyurethane-based epoxy sealant compound as taught by Klein to improve the sealing of the conduit by providing a barrier against the flow of vapor between conduits through connector.

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7. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (US 3,555,171) in view of Klein (US 4,456,784) as applied in claim 13 and further in view of Cameron (US 5,560,655).

Regarding claim 14, the modified Larson discloses the claimed invention except for the step of releasing any air, other gases, or moisture, which may be trapped in the inner chamber after it is filled with the epoxy sealant compound, through a purging means. Cameron teaches a housing for electrical conduits (18, 20) that includes means (11) for purging any air, gases or moisture, which may be trapped within the inner chamber of said housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Larson's housing with a mean that can purge any air or moisture trapped within the inner chamber of said housing as taught by Cameron to improve the sealing of the conduit and also to provide means that permits insertion of insulated materials inside the conduit.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cairns et al (US 6,321,021) disclose an apparatus for sealing a conduit comprising a housing having an inner chamber and an outer surface; at least



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one free running hub disposed on, and mounted to, said housing adapted to said at least one free running hub

10. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-1341 for after final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*Anthony Dinkins*  
ANTHONY DINKINS  
PRIMARY EXAMINER

AE

August 20, 2002